

RICHARD KEITH POE,

Plaintiff,

v.

DR. JOSEPH VAN NORT, et. al.,

Defendants.

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by the Constitution by a person acting under color of state law. The doctors and medical personnel at Mission Memorial Hospital, a private hospital, who treated Plaintiff, a non prisoner at the time, were not state actors and therefore cannot be sued under 42 U.S.C. § 1983. Plaintiff's Complaint is therefore DISMISSED. Moreover, Plaintiff's Complaint contains allegations that this Court construes as frivolous and clearly do not state a claim for relief. Therefore this case is also dismissed for failure to state a claim for relief.

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Complaint is Dismissed.

SO ORDERED.

Signed: February 9, 2006

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

